

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER GRUMBRECHT	:	
	:	CIVIL ACTION
	:	
v.	:	
	:	No. 99-CV-4921
CROWN CONTROL	:	
CORPORATION	:	

MEMORANDUM

Before the court is Defendant’s Motion to Bifurcate pursuant to Fed. R. Civ. P. 42(b) and Plaintiff’s Response thereto. For the following reasons, Defendant’s motion will be granted.

I. FACTUAL AND PROCEDURAL HISTORY

On July 29, 1997, Plaintiff Christopher Grumbrecht alleges that he was struck by a forklift operated by a co-worker, Vincent Morasco, while they were working in a warehouse for the Grinnell Corporation (“Grinnell”). (Compl. ¶ 4.) As a result of the accident, Plaintiff allegedly suffered “serious personal injuries,” some of which are permanent. (Compl. ¶ 8.) Plaintiff avers that the forklift, which was designed, manufactured and sold by Defendant Crown Control Corporation, caused his injuries due to a defective design. (Compl. ¶¶ 5 and 14.) Plaintiff filed a four (4) count complaint against Defendant alleging Negligence, Strict Product Liability, Breach of Warranties, and Reckless and Willful Disregard. Defendant denied the allegations. Jurisdiction is premised on diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

During the course of discovery, two employees of Grinnell, David E. Henn (“Henn”) and Daniel W. Goodwin (“Goodwin”), were deposed concerning Plaintiff’s alleged accident.¹ (See

¹Henn was deposed on April 3, 2000, and Goodwin was deposed on April 7, 2000. (See Def.’s Ex. C.)

Def.'s Ex. C.) Counsel for both parties were present. (See Def.'s Ex. C.) Henn and Goodwin testified independently under oath that they witnessed Plaintiff twist his knee and injure himself while stepping off a forklift on July 29, 1997. (See Henn's Dep. at 8; Goodwin's Dep. at 7-8 attached as Def.'s Ex. C.) In addition, Henn prepared an accident report the day after the incident stating that Plaintiff twisted his knee while stepping down the forklift. (See Def.'s Ex. E.) Defendant filed a Motion to Bifurcate the trial. Plaintiff opposes the motion.

II. DISCUSSION

Fed. R. Civ. P. 42(b) provides:

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy may order a separate trial of any claim . . . or of any separate issue

The decision of whether to bifurcate a trial is made on a case by case basis and is within the informed discretion of the trial judge. Lis v. Robert Packer Hospital, 579 F.2d 819, 824 (3d Cir. 1978); Idzotic v. Pennsylvania R.R. Co., 456 F.2d 1228, 1230 (3d Cir. 1972).

In the present matter, Defendant moves to bifurcate the issues of liability and damages for trial on the grounds that (1) a factual dispute has arisen regarding "the mechanism of plaintiff's injury" that affects Defendant's potential liability; and (2) the issues of damages are very complex and prejudicial. (See Def.'s Mot. ¶¶ 4, 9.) To support its motion, Defendant points to the deposition testimony of Henn and Goodwin which contradict Plaintiff's account of the alleged accident. (See Def. Ex. C.) In addition, Defendant argues that the issue of liability will be complicated by evidence relating Plaintiff's alleged permanent injury and disability. If bifurcation is granted, Defendant seeks to have the same jury determine both issues. Plaintiff opposes the Defendant's motion on the grounds that there are no facts warranting bifurcation.

Plaintiff also maintains that bifurcation unduly prejudices him because the issue of damages is probative of liability.

After considering the instant motion and the response thereto, I find that Defendant has met its burden and established that bifurcation is appropriate in the present matter. First, the question of Defendant's liability turns on a jury's determination of the cause of Plaintiff's injuries—whether Plaintiff was injured by twisting his knee as he stepped off the forklift or whether Plaintiff was injured as a result of being hit with the forklift by a co-worker. A jury is capable of determining the liability issue expeditiously apart from the issue of damages.

Second, bifurcation avoids prejudice in that it precludes evidence strictly concerning Plaintiff's injuries and disability during the liability phase. Although Plaintiff argues that bifurcation unduly prejudices his case, Plaintiff offers no evidence to support this contention. Furthermore, bifurcation does not preclude either party from offering medical evidence to support their theory of the case during the liability phase, so long as such testimony is relevant to the issue of liability.

For the foregoing reasons, Defendant's Motion to Bifurcate the issues of liability and damages will be granted. In addition, Defendant's request for the liability and damages issues to be tried by the same jury will also be granted.

An appropriate Order follows.

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ORDER

AND NOW, this day of January, 2001, upon consideration of Defendant's Motion to Bifurcate the issues of liability and damages at trial and Plaintiff's Response, **IT IS HEREBY ORDERED** that Defendant's motion is GRANTED. **IT IS FURTHER ORDERED** that the issues of liability and damages shall be tried by the same jury.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.